

May 1, 2018

7:00 p.m.

Planning Department

Council Chambers

MEMBERS PRESENT: Commissioners George Morrison, George Swaney, Gene Hicks, Arnold Cantu, Natalie Black, Joanne Denney, Brent Dixon, Margaret Wimborne, Lindsey Romankiw, Darren Josephson. (10 present with 9 votes).

MEMBERS ABSENT: Julie Foster

ALSO PRESENT: Planning Director, Brad Cramer (came late), Assistant Planning Director, Kerry Beutler, Brent McLane, and interested citizens.

CALL TO ORDER: George Morrison called the meeting to order at 7:00 p.m. and reviewed the public hearing procedure.

CHANGES TO AGENDA: None.

Minutes: Dixon requested a change from “stated” to “clarified” in one section. **Cantu moved to approve the Minutes for the March 6, 2018, Black seconded the motion and it passed unanimously. Romankiw moved to approve the minutes for the April 3, 2018 meeting, Hicks seconded the motion and it passed unanimously.**

Public Hearing:

1. RZON 18-001: COMPREHENSIVE PLAN AMENDMENT. Amend from Lower Density to Planned Transition. Beutler presented the staff report, a part of the record. Black asked Beutler to explain the Planned Transition. Beutler stated that the definition of Planned Transition is listed in the Comprehensive Plan as properties that are transitioning. Beutler stated that the policies show what types of potential uses there could be, and what sort of uses would be appropriate, including higher density residential, professional office, or other types of commercial uses, and that is why Planned Transition makes sense, because it covers all of the potential uses, and allows the City to look at the properties, and their existing uses and assess if they are stable uses or going to transition, and those will be addressed during initial zoning. Hicks asked about the blank spaces between the triangle and the other properties. Beutler indicated that the blank area represents Wallace Dairy property that was approved for annexation and initial zoning by the Planning Commission last month, but the Comprehensive Plan would not leave out the Wallace Dairy property it would be included in the blob. Dixon asked if it is zoned residential, can it continue to stay residential and do residential redevelopment. Beutler stated that some of that will depend on the future. Beutler stated that the properties are zoned commercial in the County and there is a mix of residential and commercial uses. Beutler stated that if it is residential with a commercial zone, it would be considered non-conforming and the residential use would be allowed to continue. Beutler stated that the existing use is already there, and they are allowed to continue that use regardless if the zoning and designation change. Beutler stated that when they deal with the annexation and initial zoning they will deal with specific zoning designations. Dixon and Beutler discussed that the definition that Dixon is reading is the definition for the Comprehensive Plan Planned Transition, and the Zoning Ordinance has a separate entire zone that is an overlay zone that is called the Planned Transition Zone and that zoning designation does dictate what uses are allowed.

Wimborne clarified that the properties are not within the City and by changing the Comprehensive Plan to the Planned Transition that would allow some flexibility and you could have some R-3 Zoning and something else on another property in that same stretch of Planned Transition. Beutler agreed, and indicated that when you annex a property and give it an initial zoning they have to look to the long range plan to make sure the zoning makes sense, and so what staff is saying is that low density residential, as indicated in the Comprehensive Plan, does not make sense long term, but it is unknown as to what it is going to be and the Planned Transition will allow the flexibility. Black asked if the Mayor and City Council voted on the Wallace Dairy property. Beutler indicated it had not gone to City Council, so it is not yet annexed and zoned Commercial.

Morrison opened the public hearing.

Applicant: City.

Support: No one appeared in support.

Opposition:

Rich Way, 925 Summerfield Dr., Idaho Falls, Idaho. Way indicated that the corner of Springfield and Sunnyside had concerns about high density and it was addressed through the Commission approximately 1 year ago. Way stated that the concerns about the Comprehensive Plan Amendment does leave the initial zoning wide open. Way stated that the light commercial and the higher density concerned the neighbors. Way stated that the plan for the City to bring in apartments to their neighborhood is a concern because it is shy of an arterial feeder and Springfield is the only way in and out. Way stated that the neighbors are concerned about the initial zoning. Way stated that they weren't speaking up against the one section on Wallace Dairy, but this Change caused some concern.

Laura Gray, 810 E Sunnyside, Idaho Falls, Idaho. Gray is the owner of Monarch Childcare Center. Gray stated that this property has been zoned commercial through the County. Gray stated that they have operated the Monarch Reception center and changed it to the daycare. Gray stated that the concern relating to the entry points onto Sunnyside will not change with this change as everyone will still have their own driveways. Gray stated that it has been zoned commercial through the County forever. Gray stated that the City is impacting her life by changing the designation and making them annex in. Gray stated that the cost for her and her business is a lot. Gray stated that the City has different day care laws than the County or State. Gray stated that she recently re-licensed the daycare through the County, and now she'll have to re-license with the City and that is \$1800 expense for her, and her taxes will double. Gray stated that they are not only discussing property, it is people and people's lives. Gray stated that the City's Comprehensive Plan will mess with her life plan and she is not happy about it. Gray stated that Ms. Wallace has been very concerned with what has gone on. Gray stated that the City is asking them to change everything from the way they do business to the way they drive in and out of their place. Gray stated that the Commission should consider that they are people, they live there, they work there, and its been their life for many years.

Wimborne clarified that the first item is only a change to the Comprehensive Plan and the second item deals with the annexation.

Angela Wallace, 890 East Sunnyside, Idaho Falls, Idaho. Wallace stated that they have 75 trees surrounding their property and if they must use City water, who will water the trees.

Wallace stated that they have lived there forever, they pay their bills, they pay their taxes and they don't want to change those. Wallace asked them to leave things alone. Wallace stated that everyone is happy, and the City shouldn't mess with their lives. Wallace stated that it is a serious problem when the City thinks they can come in and dictate that you aren't county any more you are City now. Wallace stated that is not the way they should run the Country.

Katie King, 840 Windrow Circle, Idaho Falls, Idaho. King asked for some history on how these properties are County with everything else City around it.

Beutler indicated that likely over the years the residential subdivisions were probably agricultural land. Sunnyside road was only a 2-lane road, and then as the City grew, development occurred. Beutler stated that properties that were in one ownership were purchased, annexed, utilities were extended, and subdivisions were created. Beutler stated that process has occurred all around these areas and properties. Beutler stated that unfortunately in the planning process there was no frontage given to the parcels and the only frontage is Sunnyside and now Sunnyside is a restricted access road. Beutler stated that if the properties develop access will decrease and there will not be as many accesses, and there can't be to maintain the safety of Sunnyside. Beutler stated that shared access agreements will have to be contemplated and the development address cross access with each other. Beutler stated that it would have been nice if the subdivisions would have created frontage and access for the County parcels, but now there are isolated parcels.

Dixon clarified that the item before the Commission is putting this area into a Planned Transition in the Comprehensive Plan. Dixon stated that first thing it would indicate is when people are annexed in whatever their current use would be grandfathered and not changed, and if in the future the property is redeveloped to something else, this Comprehensive Plan change would pave the way for that redevelopment. Dixon stated each property owner would have the choice to participate in the redevelopment, or not, but it would be a signal to redevelopers that this land is available for redevelopment if the current owners are interested in selling, or it could be a current owner that redevelops into a different use. Dixon stated that if it fits within the planned transition zone then they wouldn't have to change the zone because it would already fit. Beutler agreed with Dixon. Dixon stated that current use means current access. Dixon clarified that if the property was redeveloped then at that point the City would ask for a plan for the redeveloped land which would include fewer access points. Beutler agreed. Dixon stressed that what is being discussed would not force anyone to change their current use. Beutler agreed. Dixon commented that day care requirements are a separate issue and must be dealt with on the next item on the Agenda.

Don Kippen 880 Summerset, Idaho Falls, Idaho. Kippen lives across the street from the area. Kippen stated that his main concern is if any businesses or developers have expressed an interest in the property, or why is this being brought forward now.

Morrison stated that is for the next Agenda

Beutler stated that the City has been approached by several different individuals over several years regarding properties in the area. Beutler stated that this property (corner of Springfield and Sunnyside) was considered for annexation last year and was denied due to concerns about density and traffic. Beutler stated that the Wallace Diary property came before the Commission last month, and there is interest there for immediate future development. Beutler stated that the

reason the City is looking at the entire area is because all of the properties are in similar situations being isolated, enclaved County islands. Beutler stated that it makes more sense to address them as a group, rather than individually.

Troy Hiltbrand, 910 Wheatstone, Idaho Falls, Idaho. Hiltbrand stated that it is unclear if the City goes through with the Planned Transition what is the process for determining the zone, whether its light commercial, high density residential. Hiltbrand indicated that it was stated earlier it was brought before the commission regarding the corner lot of Springfield Drive and high density residential was denied. Hiltbrand asked if it goes to Planned Transition what is the process for determining what utilization would be for the property.

Beutler stated there are several things that go into trying to figure out the appropriate zone, including what the property might want and/or request, such as with the Wallace Dairy property they owners approached the City and their application was for limited commercial. Beutler stated that the next item on the Agenda will consider annexation and initial zoning and then he can talk in greater detail about the initial zoning that the Staff has looked at. Beutler stated that staff is looking at the existing use of the property and what zone would continue to allow for the use of the property, or what is the potential and appropriate use for the site.

Morrison stated that is why it is called planned transition, so they can deal with each property individually.

Joshua Jackson, 234 West 16th Street, Idaho Falls, Idaho. Jackson wanted to reiterate what Dixon stated. Jackson stated that there is some confusion between the Comprehensive Plan Change and annexation. Jackson stated that the Gray's are in favor of the Comprehensive Plan change because that is a step taken out of the piece for a developer, but the annexation part they are not in favor of, and would prefer it be like how Wallace Dairy property did it, on an individual basis so the burden of coming into the City is put on the new developer and not the current owners.

Stacy Munn, 3525 Dairy Lane, Idaho Falls, Idaho. Munn stated that she gets in and out of her subdivision on Springfield and that is her concern. Munn asked if you can zone commercial or a medium density with restrictions on some of the requirements. Munn indicated that she understands a medium density zone would include like a 4-plex or townhomes or single family. Munn asked if the City can zone and still restrict to have less people, less cars. Munn stated that Springfield feeds another 100 homes behind what is shown on the slide. Munn stated that as the traffic bottle necks with more cars it could get congested.

Beutler stated that they can restrict use by the zone designation that is chosen. Beutler stated that the other way is attaching a planned transition overlay that would restrict some uses.

Morrison closed the public hearing.

Swaney stated that there is a fair amount of confusion about what is being discussed. Swaney attempted to clarify the confusion. Swaney indicated that this decision is a change to the Comprehensive Plan to provide the flexibility for the property owners that may develop the existing property in the area to pursue the zoning they need to affectively develop the property. Swaney stated this decision only applies to the Comprehensive Plan to provide the flexibility for the future (next Agenda item) decision about annexation and zoning. Swaney supports staff's recommendation for the Planned Transition designation in the Comprehensive Plan.

Dixon stated that there would be a problem with the accesses onto Sunnyside and the City has learned its lesson from 17th Street that if there is a driveway every 20' then traffic doesn't flow, and the arterials are intended to move traffic. Dixon indicated that they deal with the access problem with reverse frontage using a side street to access property. Dixon stated that if the property continues with its current use, there isn't that much traffic and the hazard is for them individually, but there isn't a lot of people coming and going from the property, however if it redevelops into commercial there could be a lot of traffic in and out, and if the property redevelops it would require a more centralized larger access with left and right turn lanes. Dixon is concerned about the fact that the Commission turned down the higher density residential on the corner and if they designate planned transition for the area, it would make it easier for someone to come back and propose the same thing again and be in a stronger position.

Morrison stated that they can deal with each property as it comes before the Commission.

Wimborne commented that the area is challenging, and Sunnyside has gone through an evaluation over the last 10 years. Wimborne stated that the change to the Comprehensive Plan makes sense when you look at how Sunnyside has evolved east to west with commercial on the corner of Holmes and Sunnyside, on Sunnyside and St. Clair is commercial and then all the medical going to the hospital, the corner of 5th west and Sunnyside there is a combination of uses. Wimborne stated that there will be challenges when properties are annexed. Wimborne stated that the Comprehensive Plan Change makes sense.

Hicks moved to recommend to the Mayor and City Council approval of the Comprehensive Plan Amendment from Low Density Residential to Planned Transition as presented for M&B approximately 13.5 acres, Section 32, T 2N, R 38 E, Josephson seconded the motion and it passed 7-1. Black opposed the motion and Dixon abstained from voting.

Black stated that she was vocal last time about this property because she is not in favor of adding more commercial in this area. Black stated that it is a difficult area and she agrees with Dixon that by changing it to Planned Transition, the parcel that was denied for the higher density housing it does make it easier for that type of project to come into the City. Black stated she was a fan of the area as a whole transitioning to some kind of higher density.

Dixon abstained because he can see pros and cons and cannot decide if the pros outweighed the cons.

Black indicated that is closer to how she feels, but she already voted in opposition.

2. ANNEX 18-002: ANNEXATION/INITIAL ZONING. Sunnyside/Holmes Initiated

Annexation and Initial Zoning LC, RP, RE, R1 and R2. Beutler presented the staff report, a part of the record. Hicks complimented the staff on the notification of the public hearing and outreach to the neighbors. Black asked and Beutler confirmed that the buffers would only be if the property redeveloped and current property owners would not have to comply with the buffers, unless they redeveloped, or sold the property. Black asked if the Limited Commercial would allow the motorhomes that are currently stored at the Monarch. Beutler stated that RV Storage is not allowed in limited commercial, but that it would remain as a non-conforming use and they can continue that use indefinitely. Beutler stated that if they discontinued the use for

more than 1 year, then the use would go away, and you cannot have it back, but if they continually have the RV's there the use can continue, until the property redevelops. Dixon asked where the parcels are that have no City services. Beutler pointed out the homes that have no services. Dixon asked how deep the lots along Sunnyside are and asked if there is enough land such that they can redevelop. Beutler stated that it would be very challenging for a commercial development. Beutler stated that Sunnyside is a restricted access road and so they are probably going to end up with one or two accesses off Sunnyside, if this entire area were to change to commercial. Beutler stated that the lots might not be large enough for a building to be placed on them and they might be landscaping and parking lot. Beutler stated that for the area to redevelop and function from a transportation standpoint, they need to encourage those properties to redevelop together, and that is better suited if they are under the same zoning. Beutler stated that for this to function and work it needs to have a secondary access, and that will likely go to Springfield. Dixon asked about the last 3 properties on the west side of Holmes proposed as RP and the land behind the homes is vacant and proposed RE, however the properties have the potential to develop like White Pine Lane across Holmes, and the zoning would prevent the solution. Beutler stated that part of the reason there is one ownership for the parcels and it would show as residential estate (RE) and then the other parcels are separate ownerships. Dixon asked if there is enough vacant frontage on Holmes to get a road back to the property. Beutler stated that staff believes that would be best served with a future rezone hearing if someone wanted to purchase and develop that property, and this area be addressed with the current uses. Black clarified that the two proposed limited commercial (LC) are currently zoned commercial in the County. Beutler disagreed and stated that the commercial properties are the daycare, and Wallace Dairy property and a daycare near the canal. Black asked if the residential property would be zoned for Limited commercial. Beutler agreed and indicated that the areas need to be developed as one parcel and that zoning would encourage that development.

Morrison opened the public hearing.

Applicant: City

Support: None.

Opposition:

Diane Beard 3696 S. Holmes, Idaho Falls, Idaho. Beard lives on the southernmost property on the west side of Holmes that was just discussed. Beard stated that it is proposed to be zoned as Residential Estate, but there is a house on the property and it will not develop for access to the back properties. Beard read her statement. Beard used the provisions of the Idaho Statute 50-222-3A as it was described the neighbors, not 3B. Beard stated that the information that was sent to neighbors spoke to 3A, not 3B. Beard stated that the City initiated the annexation on the premise that is without foundation. Beard stated that the letter that was sent to them indicated that they had previously agreed to be annexed into the City in exchange for use of the City's water supply. Beard stated in some instances this is the case, but in many properties, including Beard's the property is not connected to City water and did not sign any agreement. Beard stated that out of the 35 properties proposed for annexation, 4 of them have City services. Beard stated that her letter from the City included an agreement from the City and the now deceased owner of the property to the north, that was signed in 1983 before Beard's house was built. Beard stated that she has no agreement with the City, her property has its own well, septic, and Rocky Mountain Power provides electricity. Beard stated that when she was building her home,

she approached Mayor Linda Milam and asked to be connected to City water and was told that it would not and could never happen as the City has no intention of providing water for a property of her size. Beard indicated that Mayor Milam also stated that because Beard was self sufficient with her own well and septic that the City could not and would not annex the property to provide the City services. Beard stated that the Statute that the City is basing its right to initiate annexation without the consent of the private land owners is 50-222-3A. Beard stated that the City had defined the plat as “surrounded on all sides by land within a City and a City’s area of impact”. Beard indicated she has spoke to a real estate attorney and was advised that there was a case to argue that the City has not met the requirement of the definition, specifically referring to the property immediately to the east of her. Beard indicated that this property and the portion of South Holmes are currently bordered by land that is in the County. Beard stated that for the City to meet the requirements for the definition outlined in the Statute, the entire enclaved area needs to be annexed. Beard indicated that there is ambiguity in the way that the City has approached this, and it raises sufficient doubt as to whether they meet the legal obligation in terms of the definition outlined in the Statute. Beard suggested they do further investigation and clarification.

Dixon asked about the agreement that the City transmitted that was signed by the now deceased next door neighbor and asked if Beard bought land from that property owner. Beard indicated that she did buy the land from the deceased owner. Dixon asked if it could have been a single parcel at the time the agreement was made with the City. Beard indicated that it may have been, but the water supply was supplied to the house on the neighbor’s property, not Beard’s property, and that was the intent of the agreement that they would receive a City service, in exchange for your agreement to annex in the future. Beard stated that she does not have the service, and never signed the agreement, and when they did approach the City about getting services, they were told no.

Dixon asked Beutler what State Statute they used as the staff notes to do not indicate the difference between Class A and Class B. Dixon asked if there is an acreage limit for the different classifications. Beutler indicated that the City is processing everything as a category B annexation and a category B does include areas of land that have been subdivided into 5-acre tracts or less, and they can classify for Category B even if they don’t have a service. Dixon clarified that the entire area can be much larger than 5 acres, but you cannot do parcels that are individually greater than 5 acres under that part of the State statute. Beutler agreed and indicated that there is not a limitation to the overall boundary, but there are specifications in the categories as to size of the parcels you are annexing. Dixon asked what the largest parcel proposed to be annexed. Beutler indicated that he doesn’t know. (someone from the audience indicated that there is a parcel that is 4.75 acres.) Beutler stated that the Statute for Category B does provide for lots that have been divided into lots of 5 acres or less.

Morrison reminded the audience to not talk from the audience.

Black asked if the letter sent to property owners listed the annexation as Category A or B. Beutler stated that he does not know what was referenced in the letter. Beutler stated that they included in the letter a FAQ that was developed and that does reference more category A. Beutler indicated that the City is processing this as Category B and meeting the requirements therefor. Black asked and Beutler agreed that the neighborhood meeting discussed Category B.

Melanie Sansom-Smith 3536 S. Holmes, Idaho Falls, Idaho. Sansom-Smith indicated that they were under the impression that it was a Category A, as that is what was emphasized.

Sansom-Smith stated that she has a property that is a lot like the Kinsman area where the access to City services would be difficult to acquire. Sansom-Smith stated that they have a septic tank and a well and are self-sufficient. Sansom-Smith stated that it would be economically difficult to access the City services. Sansom-Smith submitted a letter that is within the record. Sansom-Smith stated that they understand the City's desire to tidy up the area. Sansom-Smith stated that the Residential Estates were built with no intention to ever annex into the City. Sansom-Smith stated that if this is something that the City Council and Mayor approve, they would argue for some defray of the burden on individual owners to access the City services and right now all the neighbors see is 100% increase in taxes for no services. Sansom-Smith agreed that she lives close to parks and City services, but they are not able to receive the utilities. Sansom-Smith stated that they are currently on Rocky Mountain Power and have been told that they would be able to receive Idaho Falls Power and it is a great deal, but with Prestwich Estates it has been a year and they don't have a buyout figure. Sansom-Smith stated that concerns them and they would like numbers on a buyout. Sansom-Smith stated that for several of the properties it would be a hardship to buy-out the Rocky Mountain Power.

Rich Way, 925 Summerfield Dr., Idaho Falls, Idaho. Way stated that the three properties on the corner of Springfield and Sunnyside are proposed to be R-2, even though there is an email from the property owner to allow them to annex and zone as LC. Way asked if the LC revisits the higher density apartments, which has already been addressed. Way stated that was the neighbors concern with the Planned Transition.

Donald Rydalch, 890 Summerfield Circle, Idaho Falls, Idaho. Rydalch stated that the communications are not timely. Rydalch stated that the post mark date on the envelope and the date of arrival was 4-5 days. Rydalch stated that it makes it difficult for people to put together a written response 7 day before the meeting. Rydalch stated that it is a challenge to work with the staff report that is available at 3 p.m. on Friday and to be prepared in a proper way for this meeting. Rydalch read from the staff report: "Springfield Drive functions as a residential collector". "Springfield Drive will become a point of access for the isolated parcels LC and R-2." Rydalch stated that was a way to separate the residential and commercial traffic. Rydalch continued to read: "Access along Sunnyside road will be restricted so these properties will have to develop with the ability to cross-access form one parcel to another." Rydalch indicated that has built in problems. Rydalch continued: "Springfield drive will have to carry some commercial traffic to and from Sunnyside Road." Rydalch indicated Springfield currently does that, but this would expand significantly. Rydalch quoted from the staff report: "Concerns have been raised about the commercial uses and traffic being allowed in this area. One solution would be to further restrict the commercial land uses in the LC Zone." Rydalch stated that any type of zoning that would diminish the traffic, especially commercial traffic would be appreciated. Rydalch indicated that LC zoning is full of problems for residents. Rydalch indicated that R-2 is less problematic, but still allows for a lot of things that disrupt the peace. Rydalch stated that the traffic on and off Sunnyside to Springfield is high and if you add more traffic it will be an unsafe intersection. Rydalch stated that regular citizens have a lot of trust in the Commission as the Commission is their only source of protection and Rydalch appreciates the hearing, so he can voice his concerns. Rydalch asked the Commission to continue to look out for the citizens. Rydalch stated that expansion, whether LC or R-2 is too much. Rydalch stated there is room for some commercial expansion, but either of those is too much.

Mike Murdock, 484 Sunnyside, Idaho Falls, Idaho. Murdock owns the property on the corner of Sunnyside and Holmes. Murdock stated that he bought the property from his brother, who bought it from his mother. Murdock is tired of being lied to about the whole thing. Murdock stated that when they widened Sunnyside and Holmes the City asked his father if he wanted to hook to City water, in exchange they had to give up the easement to the water line. Murdock stated that they put the water line in and 4 years later the City took 1/3 of the property (40' off one side, 50' off another side). Murdock stated that they tore down a car garage and shop. Murdock stated that the easement over the water comes in on the west side and they took property on the north and east side. Murdock stated that he wants to know who signed the agreement to be annexed, because no one in his family has ever agreed to be annexed. Murdock stated that he does not want to be annexed into the City.

Katie King, 840 Windrow Circle, Idaho Falls, Idaho. King is the end of the red property. King indicated she understands the 20' landscape zone, but there isn't 20 feet there, so they wouldn't be able to develop all the way back. King stated she is concerned when she hears that a gas station can be put in that property. King stated that she thinks professional development zoning would be more appropriate for the area. King stated that professional zoning is consistent with the corner of Holmes and Sunnyside. King does not believe that it should be LC, and if it is, it needs an overlay.

Ken Oakes, 283 Brookside, Idaho Falls, Idaho. Oakes has a prepared statement that he gave to staff. Oakes indicated that the comment regarding current land owners will be allowed to have their current use is misleading. Oakes feels that when they indicate current use it is that he will not have any changes, however in his discussion with staff, it was indicated that current use means that if he wants to have animals, the use must continue, however he cannot burn debris, because there are restrictions based on the fire codes in the City. Oakes stated that his property that is proposed to be annexed and zoned as RP is directly behind his City lot (house). Oakes requested that the lot be zoned as RE, so he can continue to have the option to raise 4-H animals. Oakes stated that Staff told him that 4-H animals would be a pre-existing non-conforming use, if the time between animals was not an extended period of 5 years or more. Oakes stated that his oldest daughter raised her 4-H animal, however many of his children have not wanted to participate on 4-H, and he doesn't want to lose the ability to raise a 4-H animal if they don't do an animal every year. Oakes stated that the RE zoning applies to lots that are one acre or more, and the combined acreage of his two lots is short. Oakes asked for the lot behind his house to be zoned as RE.

Morrison closed the public hearing.

Wimborne asked if there were discussions about whether a PB zone would be better than LC and how did staff settle on LC, and what would LC with a PB overlay look like. Beutler stated that they did look into PB, but the proposals that have been made to the City include more uses that are in the LC. Beutler stated that the size of the properties makes more sense for LC. Beutler stated that there is substantial amount of Professional office space along Sunnyside and the market might not be able to handle more office space. Beutler stated that they could do LC with a PT overlay as shown on the chart within the staff report. Beutler stated that the overlay would restrict the allowance of fuel stations. Wimborne asked about the parcels that were requested to be RE instead of RP. Beutler stated that they went with RP because the lots together with the current City lots they do not exceed 1 acre, so they do not meet the minimum requirements for

RE. Beutler stated that they are separate parcels, and the back portion would be RE and the front would be RP as the current City lot is not being considered for a rezone. Beutler stated that from a staff perspective it is not that big of a deal, there have been no complaints about their 4-H animals. Beutler stated that the most appropriate way to take care of the area would be to zone the current City lot and the back lot as RE, which would require the owner to request a rezone.

Wimborne stated that the annexations in this area create challenges as the City has grown. Wimborne feels the staff's proposal for initial zoning makes sense. Wimborne stated she would push for the PT overlay on the LC parcels, and keep the parcels on the corner of Springfield R-2. Wimborne urged the City to work with residents during the transitions to help defray costs, and with the day care center if there is a way to continue to let them be licensed until their current licensing runs out.

Black agreed with Wimborne. Black struggles with the LC especially on the properties that are currently residential. Black stated that if they don't come in with a full development for the area, limited commercial will be hard in that area. Black stated that she has a difficult time with annexing properties that have no access to City services.

Dixon stated that the two properties east of the canal that are currently a residential use, it would be more appropriate for them to be residentially zoned. Dixon suggested that they need to look at the Zoning Ordinance, and the fact that R-2 allows for 2 story four-plexes and some of those in town are the least attractive buildings. Dixon indicated they need a transition zone that restricts the number of stories to restrict the density. Dixon stated that before this moves to the Mayor and City Council they need to revisit the legality of the annexation due to Beard's comments about it not being legal. Dixon stated that the properties at the western edge of the map that are designated RP and those properties will not have street access, so they should work with the property owners and clean up the parcels together even if it includes giving a variance to make the properties able to be zoned RE. Dixon stated that Mr. Murdock is in a tough situation with both the roads being widened. Dixon indicated that Staff has done a good job at looking through a lot of this item. Dixon is concerned about the forced annexation of properties that have no services and no hope for services, although they do get City benefits by being in or near the City. Dixon indicated that because it covers so many different properties he doesn't feel that it can be handled in one motion.

Beutler clarified that all the properties once annexed would be eligible to have City services. Beutler clarified that there is a cost associated with running the services, and they'd have to run their service lines from the main.

Morrison asked if the properties can be pulled apart, or does it have to move forward as a whole package. Beutler stated that it has been advertised as one large area.

Dixon indicated that the large horse properties are good now, but when their septic fails, would they be allowed to put in a new septic system, and if they are not, then they will want to hook up to the City. Beutler stated that was the distinction staff made, and the properties they included have a main in the street in front of them and they would have access if they wanted to.

Swaney stated that the best thing would have been to bring this in two separate annexations one for the properties along the canal and the other for the RP and RE properties along Holmes. Swaney stated that he feels they need two separate public outreach meetings for those two

groups of properties. Swaney stated that he would propose that they do not recommend the annexation as presented.

Dixon suggested that they table the item until some of the issues can be worked out and the plan can be modified slightly.

Wimborne asked what specific things would need to be addressed.

Dixon indicated that they need to: Clarify the legal basis of the annexation in the area along Holmes; Make it clear which properties have services, have service agreements, etc. so the Commission can better understand; obtain better information on the two isolated red properties to decide if there is enough depth to develop them. Dixon stated that the big red triangle and the Dairy could develop into one node with one access onto Sunnyside, but when you stretch the property farther east it is not clear. Dixon stated they should also look into combining the City property with the new annexation to have the same zoning.

Wimborne asked staff if the City attorney has reviewed this application. Beutler stated that they have been in discussions with the attorney's office on all the annexations and there is no question regarding the Category B annexation.

Swaney moved to recommend to the Mayor and City Council to not proceed with the annexation as presented for the Annexation and Initial Zoning of LC, RE, RP, R1 and R2, as presented, and that the application be referred back to staff with a recommendation that this item be split into two items, one containing the items on the east side of the map including LC, R-2 and R-1; and the west side of the map containing the RE and RP zoning, and the information that Wimborne and Dixon recommended be added, include the detail that is necessary so it is clear as to what agreements exist and when they were enacted; and if possible have public outreach with the two different groups so it is clear that it is a Category B annexation and the legal basis for the Category B annexation be presented, Dixon seconded the motion and it passed unanimously.

Wimborne commended staff on putting the item together with so many moving parts.

5 Min. Recess.

Business:

3. ANNEX 18-004: ANNEXATION/INITIAL ZONING. M&B: Carlyle Erma Division 5-8.

Annexation and Initial Zoning of LC. Beutler presented the staff report, a part of the record. Wimborne asked if access will come from Bentley. Beutler indicated that Bentley Way will extend to Woodruff and the preliminary plat for the area will have a network of transportation that goes to the multiple lots. Black asked if they were still anticipating the front portion commercial and the back part residential. Beutler stated that it could all be commercial, and they did do a Comprehensive Plan Amendment and the discussion was had about the mix of commercial and high density residential. Beutler stated that LC is a mixed use and it was the zone that was contemplated, and the uses will be market driven. Dixon indicated that there is a large canal that provides a buffer between residential and something else. Dixon indicated that the area to the west on the north side of the canal has all been developed as a mix of different commercial, offices, buildings, and the area along Woodruff is attractive for car lots. Dixon stated that whether it develops into high density housing or business, either way it won't impact

the neighbors because of the canal. Dixon indicated that this is the opportunity to allow the market flexibility, and as they go further east they will need to transition into residential.

Dixon moved to recommend to the Mayor and City Council approval of the Annexation and Initial Zoning of Carlyle Erma Division 5-8, as presented, Hicks seconded the motion and it passed unanimously.

4. PLAT 18-009: FINAL PLAT. Thatcher Grove Division 1. McLane presented the staff report, a part of the record. McLane made a change in the staff report in Staff Comments changing 12,000 sq. ft. to 11,000 sq. ft.

Wimborne moved to recommend to the Mayor and City Council approval of the Final Plat for Thatcher Grove Division 1, Dixon seconded the motion and it passed unanimously.

5. PLAT 18-008: FINAL PLAT. Sandstone Estates Division 1. Beutler presented the staff report, a part of the record. Black clarified and Beutler agreed that the rounded section that says c7 is the road that is being platted and being included. Beutler clarified that they are platting Sandcreek as a separate lot and the intent is it will be dedicated to the City for future pathway. Dixon asked about the order of development and how do they ensure that Long Cove Drive gets developed in a timely manner, so the lots do have a road. Beutler indicated that they cannot pull a building permit on the lots until the road is accepted by the City or there is a bond for the road. Beutler added that they wouldn't issue building permits if there wasn't access to the lot. Dixon clarified that the development is at the mercy of a different land owner. Beutler stated that they must work through it together in partnership, and it will be highlighted in the development agreement as they approach City Council with the Plat.

Swaney moved to recommend to the Mayor and City Council approval of the Final Plat for Sandstone Estates Division 1 as presented, Black seconded the motion and it passed unanimously.

6. PLAT 18-010: FINAL PLAT. Sand Pointe Division 2. Beutler presented the staff report, a part of the record. Black asked Beutler to point out the 4 common lots. Beutler pointed out Sandcreek, as well as 3 other areas. Dixon asked if this makes a loop for the utilities. Beutler stated that they will be bringing water down, and it will loop into Long Cove. Beutler stated that there will be some capacity issues until they get a good trunk line in 65th.

Applicant: Fred Walland, 253 1st Street, Idaho Falls, Idaho. Walland stated that as part of Division 1 of Sand Pointe, they put in a lift station that is at York and so they've had to put all the utilities in for Division 2 because they ran a pressure line. Walland stated that they were required by the water department to run a 12" water line all the way up to St. Clair Estates.

Black asked what the plans are for the common areas. Walland stated that he is using them as storm ponds and will be landscaped. Walland stated that he has talked with the Parks Department and they are willing to maintain them. Walland indicated that in future divisions there is a large park space in the center of the south half of the development. Walland stated that the three separate ponds will store the water and slow it a bit.

Romankiw moved to recommend to the Mayor and City Council approval of the Final Plat for Sand Pointe Division 2, as presented, Josephson seconded the motion and it passed unanimously.

7. PLAT 18-011: FINAL PLAT. Snake River Landing Division No. 12: McLane presented the staff report, a part of the record. Black asked McLane to point out the location of the Event Center.

Applicant: Laeth Sheets, 901 Pier View Drive, Suite 205, Idaho Falls, Idaho. Sheets indicated that this will be commercial lots. Sheets stated that they have a cross access road with utilities being reviewed with Public Works that will provide access as well as utility connections. Sheets stated that the common lot will remain private and that has been the case in all Snake River Landing. Sheets stated that the New Sweden Irrigation District allows them to put a path on there, but it is not dedicated it is just permission, until it is revoked. Sheets stated that in this section they have requested that the path be removed from the top of the bank and put it below to the toe of the bank.

Black asked if they anticipate all commercial, no high density. Sheets stated that the anticipation is to stay commercial as it is zoned commercial, but if anything comes in they'd have to rezone to be high density residential. Sheets indicated that there is high density to the north that it could fit well with.

Wimborne moved to recommend to the Mayor and City Council approval of the Final Plat for Snake River Landing Division No. 12, as presented, Black seconded the motion and it passed unanimously.

8. PLAT 18-012: FINAL PLAT. Snake River Landing Division No. 13. McLane presented the staff report, a part of the record. Josephson asked if these lots can be divided smaller later. McLane indicated that they'd have to replat, but they could be divided.

Applicant: Laeth Sheets, 901 Pier View Drive, Suite 205, Idaho Falls, Idaho. Sheets stated this is one single lot and has all the utilities required. Sheets stated that if it does become residential it will be rezoned.

Black moved to recommend to the Mayor and City Council approval for the Final Plat for Snake River Landing Division No. 13, as presented, Hicks seconded the motion and it passed unanimously.

Miscellaneous:

Beutler informed the Commission that for June they have 14 Agenda items, 7 public hearings of which 4 of the public hearings could have comments and one is a City initiated annexation. Beutler asked if the commissioners wanted a single long meeting, or two meetings in June. Beutler indicated the second meeting would be June 19th and would there be enough commissioners available for a quorum.

Wimborne voiced her opinion to have two meetings. Dixon indicated that he is not available for the 19th. Romankiw will not be available for the 19th. Swaney is not available on the 5th but will be available on the 19th. Beutler indicated they need 6 for a quorum, and by show of hands it appears that they will be able to have a quorum for both meetings.

Cramer wants to thank the Commissioners some way and asked them to look at their calendars for a date to say thank you and feed them. Dixon asked Cramer to send out some proposed dates and they will see what is available.

Respectfully Submitted

Beckie Thompson, Recorder